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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,317	07/03/2006	Takashi Kamiya	Q92462	8426
23373 SUGHRUE MI	7590 03/03/200 ON. PLLC	EXAMINER		
2100 PENNSY	LVANIA AVENUE, N	JARRETT, RYAN A		
SUITE 800 WASHINGTON, DC 20037			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	DELIVERY MODE
			03/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Comments	10/563,317	KAMIYA ET AL.				
Office Action Summary	Examiner	Art Unit				
	RYAN A. JARRETT	2121				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>26 Ja</u>	nuarv 2009 and 26 November 20	008.				
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<i>'</i>	/ -					
,—	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>10-19</u> is/are pending in the application						
4a) Of the above claim(s) <u>13,15 and 19</u> is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>10-12,14 and 16-18</u> is/are allowed.						
6) Claim(s)						
7) Claim(s) is/are rejected. 7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement					
are subject to restriction and/or	ciccion requirement.					
Application Papers						
9) The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ acce	epted or b) \square objected to by the ${ t E}$	Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents	s have been received.					
2. Certified copies of the priority documents	_					
3. Copies of the certified copies of the prior						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 3) Information Disclosure Statement(s) (PTO/SB/08) Notice of Informal Patent Application						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:						
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/08 has been entered.

Art Unit: 2121

Allowable Subject Matter

Claims 10-12, 14, and 16-18 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or fairly suggest determining the non-turning area as the second process region in such a manner that the non-turning machining area belongs to the second process region, if the determined process-dividing position on the inner diameter machining said or the process-dividing position on the outer diameter machining side is within the non-turning area, as recited in claims 10, 14, and 16, in combination with the remaining features and elements of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Method claim 10 is statutory since it requires an application specific computer ("automatic programming", "outputting") used to create a machining/turning program.

Election/Restrictions

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Claims 10-12, 14, and 16-18 are allowable. The restriction requirement among Groups I and II, as set forth in the Office action mailed on 04/15/08, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim. Claims 13, 15, and 19 remain withdrawn from further consideration because they do not require all the limitations of an allowable generic linking claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kamiya US 6,850,814 discloses machining program preparation apparatus.

This application is in condition for allowance except for the following formal matters:

Claims 13, 15, and 19 were non-elected with traverse, and remain pending. These claims need to be cancelled before the application can pass to issue.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN A. JARRETT whose telephone number is (571)272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan A. Jarrett/ Primary Examiner, Art Unit 2121

03/01/09